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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/810,209	03/26/2004	Yehiel Gotkis	LAM2P466	8664
25920	7590	04/05/2006	EXAMINER	
MARTINE PENILLA & GENCARELLA, LLP 710 LAKEWAY DRIVE SUITE 200 SUNNYVALE, CA 94085			ALANKO, ANITA KAREN	
			ART UNIT	PAPER NUMBER
			1765	

DATE MAILED: 04/05/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/810,209

Applicant(s)

GOTKIS, YEHIEL

Examiner

Anita K. Alanko

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/11/06 amdt.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4,6-13,19-25,29,30,42 and 43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4,6-13,19-25,29,30,42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Election/Restrictions

Applicant's election of Group I (by canceling the non-elected claims) in the reply filed on 1/11/06 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1-4, 6-13, 19-25, 29-30, 42-43 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially" renders the metes and bounds of the claims are unclear. It may be simply deleted.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-4, 6-13, 19-25, 29-30, 42-43 are rejected under 35 U.S.C. 102(e) as being anticipated by David (US 2005/0042975 A1).

David discloses a method comprising:

spinning a substrate 10 having a film ([0017]-[0018]);

scanning an optical sensor 140 and an inductive sensor 150 across a path along a surface of the substrate ([0019], Fig.2A-2D);

sensing properties of the film with the optical and inductive sensors at a plurality of points along the path ([0020] data traces) and

generating a map of the film using information from the plurality of points along the path (by display 94 [0021] of, for example, a radial thickness profile [0051]).

As to amended claim 1, David discloses (Step 320, Fig.3, “evenly radially distributed paths across the substrate”) measuring multiple paths. Since the radial profile reflects the complete surface (radial symmetry across the surface), as broadly interpreted, the map covers “substantially” the entire surface.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-4, 6-13, 19-25, 29-30, 42-43 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sarfaty et al (US 6,608,495 B2) in view of Caton et al (US 2005/0046874A1).

Sarfaty discloses a method comprising:

spinning substrate 150 having a film 151 (Fig.4, col.4, lines 15-17);

scanning an optical sensor 140 and an inductive sensor 120 across a path along a surface of the substrate (col.4, lines 20-36);

sensing properties of the film with the optical and inductive sensors at a plurality of points along the path (col.3, lines 36-39, 50-60).

Sarfaty fails to disclose to generate a map. Caton teaches that it is useful to generate a map of a film ([0070]-[0071]) using information from the plurality of points ([0045], Fig.5) along the path from an optical 140 and inductive sensor 132 ([0032]) representing a thickness profile ([0033]). It would have been obvious to one with ordinary skill in the art to generate and graphically display a map of the film in the method of Sarfaty because Caton teaches that this is useful for improved product consistency, verification of product quality and to reduce costs of manufacture. As to amended claim 1, since the profile reflects a plurality of points, as broadly interpreted, the map covers "substantially" the entire surface.

Response to Amendment

The 112 rejection is withdrawn, however "substantially" is unclear. Does the profile reflect 50%, 75%, 100% of the entire surface? Since substantially is not clearly defined in the specification, the claims are unclear in scope.

The claims remain rejected over David, Sarfaty and Caton.

Response to Arguments

Applicant's arguments filed 1/11/06 have been fully considered but they are not persuasive. Applicant argues that because the measurement in David is at a fixed point, the measurement does not create a path covering substantially an entire surface of the substrate. This is not persuasive since "substantially" is a broad term, and broadly interpreted David covers substantially an entire surface. Further since there is radial symmetry (Step 320, Fig.3, "evenly radially distributed paths across the substrate"), the multiple radial measurements of David cover the entire surface.

Applicant's arguments about "full surface mapping" are not commensurate in scope with the claim language because of the term "substantially".

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Anita K. Alanko whose telephone number is 571-272-1458. The examiner can normally be reached on Mon-Fri until 2:30 pm (Wed until 11:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nadine Norton can be reached on 571-272-1465. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Anita K. Alanko
Anita K Alanko
Primary Examiner
Art Unit 1765